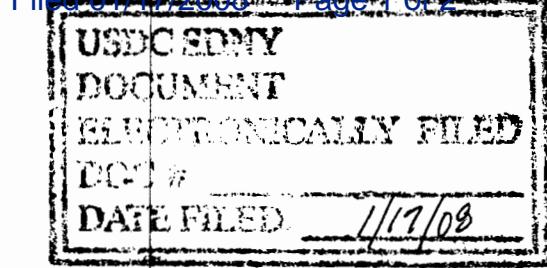


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK KAPITI, :
Plaintiff, : ORDER
-against- : 07 Civ. 3782 (RMB)(KNF)
RAYMOND KELLY, ET AL, :
Defendants. :
-----X

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

A telephonic conference was held with counsel to the respective parties on January 16, 2008, to address certain discovery disputes that had been brought to the Court's attention via correspondence. As a result of the discussion had during the conference, IT IS HEREBY ORDERED that:

1. the plaintiff need not supplement his response to the defendants' interrogatories and document requests which seek employment history records, medical records, insurance records, social security benefits records and medicaid and/or medicare benefits records;
2. the parties are to advise the pertinent subpoena recipients that they must comply with their respective subpoenas by disclosing to the defendants responsive material that is not shielded from disclosure via a recognized privilege. For any material withheld from disclosure based upon a claim of privilege, a privilege log must be provided to the defendants, as contemplated by Fed. R. Civ. P. 45;

3. on or before January 17, 2008, the defendants shall, consistent with the discussion had during the conference, serve and file their memorandum of law respecting the need for the plaintiff to authorize the release of sealed records generated during the prosecution of the plaintiff for conduct which prompted the seizure of the automobile that is the subject of the instant action; and
4. on or before January 24, 2008, the plaintiff shall serve and file any responsive memorandum of law and any reply shall be served and filed on or before January 28, 2008.

Dated: New York, New York
January 17, 2008

SO ORDERED:

Kevin Nathaniel Fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE